

**Hearing Date and Time: February 9, 2023 at 2:00 p.m. (Prevailing Eastern Time)**

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*Proposed Counsel to the Debtors  
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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

Genesis Global Holdco, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No.: 23-10063 (SHL)

Jointly Administered

**NOTICE OF DEBTORS’ MOTION TO SHORTEN NOTICE PERIOD  
AND SCHEDULE A HEARING WITH RESPECT TO DEBTORS’  
EMERGENCY MOTION FOR ENTRY OF AN ORDER AUTHORIZING  
DEBTOR GENESIS GLOBAL HOLDCO, LLC TO CONSENT TO PRIMING OF LIEN**

**PLEASE TAKE NOTICE** that on January 19, 2023 (the “Petition Date”), Genesis Global Holdco, LLC (“Holdco”) and its debtor affiliates, as debtors and debtors-in-possession in the above-captioned chapter 11 cases (collectively, the “Debtors”),<sup>2</sup> each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”) with the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”).

**PLEASE TAKE FURTHER NOTICE** that on February 8, 2023, the debtors and debtors in possession (collectively, the “Debtors”), filed the annexed *Debtors’ Motion to Shorten Notice*

<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s tax identification number (or equivalent identifier), are: Genesis Global Holdco, LLC (8219); Genesis Global Capital, LLC (8564); and Genesis Asia Pacific Pte. Ltd. (2164R). For the purpose of these Chapter 11 Cases, the service address for the Debtors is 250 Park Avenue South, 5th Floor, New York, NY 10003.

<sup>2</sup> Holdco and its Debtor and non-Debtor subsidiaries are collectively referred to as the “Company”.

*Period and Schedule a Hearing With Respect to Debtors' Emergency Motion for Entry of An Order Authorizing Debtor Genesis Global Holdco, LLC, to Consent to Priming of Lien (the "Motion to Shorten")*. A hearing (the "Hearing") on the Motion to Shorten will be held via zoom before the Honorable Judge Sean H. Lane, United States Bankruptcy Judge in the United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, NY 10601 at 2:00 p.m. on February 9, 2023, prevailing Eastern Time.

**PLEASE TAKE FURTHER NOTICE** that any responses or objections, if any, to the Motion to Shorten or the relief requested therein shall be entertained orally at the Hearing.

**PLEASE TAKE FURTHER NOTICE** that if no objections are heard, the Debtors shall submit to the Bankruptcy Court an order substantially in the form annexed as Exhibit A to the Motion to Shorten, which order the Bankruptcy Court may enter without further notice or opportunity to be heard.

**PLEASE TAKE FURTHER NOTICE** that copies of the Motion to Shorten can be viewed and/or obtained by: (i) accessing the Court's website at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov) (PACER password required) or (ii) from the Debtors' proposed notice and claims agent, Kroll Restructuring Administration LLC, which maintains a website at <https://restructuring.ra.kroll.com/genesis> or by calling +1 888 524 2017.

**PLEASE TAKE FURTHER NOTICE** that if you oppose the relief requested in the Motion to Shorten, or if you want the Court to hear your position on the Motion to Shorten, then you or your attorney must attend the Hearing. If you or your attorney do not follow the foregoing steps, the Court may decide that you do not oppose the relief requested in the Motion to Shorten and may enter orders granting the relief requested by the Debtors.

Dated: February 8, 2023  
New York, New York

CLEARY GOTTlieb STEEN & HAMILTON LLP

/s/ Sean A. O'Neal  
Sean A. O'Neal

Jane VanLare

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*Proposed Counsel for the Debtors  
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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

Genesis Global Holdco, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No.: 23-10063 (SHL)

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**DEBTORS’ MOTION TO SHORTEN NOTICE PERIOD  
AND SCHEDULE A HEARING WITH RESPECT TO DEBTORS’  
EMERGENCY MOTION FOR ENTRY OF AN ORDER AUTHORIZING  
DEBTOR GENESIS GLOBAL HOLDCO, LLC TO CONSENT TO PRIMING OF LIEN**

Genesis Global Holdco, LLC (“Holdco”) and its affiliated debtors and debtors-in-possession in the above-captioned cases (collectively, the “Debtors” and these cases, collectively, the “Chapter 11 Cases”), hereby submit this motion (the “Motion” or “Motion to Shorten”) for expedited consideration of the *Debtors’ Emergency Motion for Entry of An Order Authorizing*

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<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s tax identification number (as applicable), are: Genesis Global Holdco, LLC (8219); Genesis Global Capital, LLC (8564); Genesis Asia Pacific Pte. Ltd. (2164R). For the purpose of these Chapter 11 Cases, the service address for the Debtors is 250 Park Avenue South, 5th Floor, New York, NY 10003.

*Debtor Genesis Global Holdco, LLC to Consent to Priming of Lien* (the “Cash Cloud Motion”)<sup>2</sup> and for entry of an order substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”).

### **JURISDICTION AND VENUE**

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the Southern District of New York dated January 31, 2012 (Preska, C.J.). This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2) and the Court may enter a final order consistent with Article III of the United States Constitution.

2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory bases for the relief requested herein are section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), Rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and 9006-1(b) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York (the “Local Rules”).

### **RELIEF REQUESTED**

4. Contemporaneously with the filing of this Motion to Shorten, the Debtors filed the Cash Cloud Motion. Through this Motion to Shorten, the Debtors respectfully request the Cash Cloud Motion be heard at 2:00 p.m. on February 9, 2023 prevailing Eastern Time.

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<sup>2</sup> Capitalized terms used but not defined in this Motion to Shorten shall have the meanings ascribed to them in the Cash Cloud Motion.

**BASIS FOR RELIEF**

5. Bankruptcy Rule 9006(c)(1) authorizes the Court, for cause shown, to reduce the notice period otherwise required for the requested relief. *See* Fed. R. Bankr. P. 9006(c)(1). While a notice period of twenty-one (21) days would ordinarily apply to the relief requested in the Cash Cloud Motion under Local Rule 9006-1(b), the Court may, for cause shown, shorten the time of giving notice. The Debtors respectfully submit that circumstances of these Chapter 11 Cases warrant shortening notice of the Cloud Cash Motion.

6. Time is of the essence for Holdco to provide its consent to the Cash Cloud DIP Facility because Cash Cloud urgently requires DIP financing in order to commence its reorganization under chapter 11, and is unable to seek interim approval of the Cash Cloud DIP Facility absent the consent of Holdco.<sup>3</sup> Entering into the Cash Cloud DIP Agreement will provide the liquidity that Cash Cloud requires in order to effectuate an efficient restructuring of its business, including its obligations to Holdco. Cash Cloud will be unable to begin the process of restructuring its obligations under chapter 11 until it receives interim approval of the Cash Cloud DIP Facility. Cash Cloud expects that a First Day Hearing will occur as early as Friday, February 10, 2023. If the Court grants the relief requested in this Motion to Shorten, the Court will be able to consider approval of the Cash Cloud Motion on February 9, 2023.

**NOTICE**

7. Notice of the Motion will be given by facsimile, electronic transmission, hand delivery or overnight mail to: (i) the Office of the United States Trustee for Region 2; (ii) those creditors holding the fifty (50) largest unsecured claims against the Debtors' estates (on a

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<sup>3</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Cash Cloud Motion.

consolidated basis); (iii) those creditors holding the five (5) largest secured claims against the Debtors' estates (on a consolidated basis); (iv) the Internal Revenue Service; (v) the Securities and Exchange Commission; (vi) counsel to the Committee, if any and (vii) all others that are required to be noticed in accordance with Bankruptcy Rule 2002 and Local Rule 2002-1. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

### **NO PRIOR REQUEST**

8. No prior motion for the relief requested herein has been made to this or any other court.

### **CONCLUSION**

WHEREFORE for the reasons set forth herein, the Debtors respectfully request that this Court (a) enter the order, substantially in the form attached hereto as Exhibit A, and (b) grant such other and further relief as is just and proper.

Dated: February 8, 2023  
New York, New York

CLEARY GOTTlieb STEEN & HAMILTON LLP

/s/Sean A. O'Neal

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*Proposed Counsel for the Debtors  
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**EXHIBIT A**

**Proposed Order**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

Genesis Global Holdco, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No.: 23-10063 (SHL)

Jointly Administered

**ORDER AUTHORIZING THE DEBTORS' MOTION TO SHORTEN  
NOTICE PERIOD AND SCHEDULE A HEARING WITH RESPECT TO  
DEBTORS' EMERGENCY MOTION FOR ENTRY OF AN ORDER AUTHORIZING  
DEBTOR GENESIS GLOBAL HOLDCO, LLC TO CONSENT TO PRIMING OF LIEN**

Upon the consideration of the *Debtors' Emergency Motion for Entry of An Order Authorizing Debtor Genesis Global Holdco, LLC to Consent to Priming of Lien* (the "Motion to Shorten"); and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the Southern District of New York dated January 31, 2012; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and that the Court may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Motion to Shorten is in the best interests of the Debtors, their estates, their creditors and other parties in interest; and upon all of the

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<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's tax identification number (as applicable), are: Genesis Global Holdco, LLC (8219); Genesis Global Capital, LLC (8564); Genesis Asia Pacific Pte. Ltd. (2164R). For the purpose of these Chapter 11 Cases, the service address for the Debtors is 250 Park Avenue South, 5th Floor, New York, NY 10003.



proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED THAT:**

1. The Motion to Shorten is GRANTED to the extent set forth herein.
2. A hearing to consider the Cash Cloud Motion<sup>2</sup> will be held on February 9, 2023 at 2:00 p.m., prevailing Eastern Time. Any objections or responses to the Cash Cloud Motion shall be entertained orally at the hearing.
3. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion to Shorten.
4. Notwithstanding any provision in the Federal Rules of Bankruptcy Procedure to the contrary, (i) the terms of this Order shall be immediately effective and enforceable upon its entry, (ii) the Debtors are not subject to any stay in the implementation, enforcement or realization of the relief granted in this Order, and (iii) the Debtors may, in their discretion and without further delay, take any action and perform any act authorized under this Order.
5. This Court shall retain exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation or enforcement of this Order.

Dated: \_\_\_\_\_, 2023  
White Plains, New York

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The Honorable Sean H. Lane  
United States Bankruptcy Judge

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<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion to Shorten.